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SUBJECT: YEREVAN PRESS CLUB CALL FOR ACTION ON MEDIA FREEDOM,
CHALLENGES GOVERNMENT RECORD

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(U) Sensitive but unclassified. Please protect accordingly.

11. (SBU) SUMMARY: The Yerevan Press Club, a moderate civil society voice often critical of the government, released a public statement May 19 highlighting the urgent need for reforms to bolster media freedom, while enumerating numerous government violations. It also made several recommendations. The statement is well-researched, citing comments and recommendations by the Constitutional Court, Parliamentary Assembly of the Council of Europe (PACE), OSCE/ODIHR, OSCE Freedom of Media representative, and Armenia's government ombudsman. Full text at para 4. END SUMMARY

12. (SBU) CRITIQUES OF THE GOVERNMENT RECORD: The statement makes the following criticisms of authorities' actions, which the press club deems violations of media freedom:

-- Government efforts to drive Radio Free Europe/Radio Liberty and the regional Gala TV station off the air.

-- Government pressure on media outlets' political coverage, resulting in highly biased coverage on broadcast channels.

-- Pre-emptive government censorship of media during the declared State of Emergency March 1-20, accompanied by sharply pro-government broadcasting.

-- Failure of the National Commission on Television and Radio (NCTR; Armenia's broadcasting regulatory agency) to enforce the law or to behave in an independent, non-partisan fashion.

-- Failure of the Public Television and Radio Corporation (Armenia's state-owned/operated broadcast network) to maintain objectivity and professional standards, while instead broadcasting highly partisan content.

13. (SBU) RECOMMENDATIONS FOR THE FUTURE: The Yerevan Press Club statement makes the following recommendations to remediate these problems:

-- The NCTR should be significantly restructured with legislative changes to boost political and civil society representation and ensure even-handed regulation. The statement calls upon all the current commissioners to resign to help clear the way for this reform.

-- The board of directors of the public broadcasting corporation should be reformed to bring more professionalism and political diversity to the network's management. The statement calls on all current members of the public broadcasting company to resign as well.

-- The statement echoes calls for a public inquiry into the events of March 1-2, while urging a particular focus on the restrictions on

media freedom and the legal basis for those restrictions.

-- The statement calls on authorities to end their "persecution of media."

14. (U) VERBATIM STATEMENT OF THE YEREVAN PRESS CLUB: (Note the internal paragraph numbering. Post has not significantly edited to improve YPC's English, which is rough in places).

STATEMENT OF YEREVAN PRESS CLUB
ON FREEDOM OF SPEECH AND PRESS

[The] political situation, formed in Armenia as a result of the past presidential elections, makes the need for specific, decisive steps in democratic reform domain all the more urgent. A most important condition for the effectiveness of these reforms is the change of the information climate in the country, the guarantee of free expression and diverse media.

The past year became a period of new ordeals for the Armenian media. The attacks of authorities on free media revived almost immediately after the end of parliamentary elections 2007. It suffices to remember how quick the Government was in attempting to push the amendments to the RA Law "On Television and Radio" that were in fact aiming to oust the programs of Radio Free Europe/Radio Liberty from Armenian air. Afterwards the hunt of the state agencies for "GALA" TV Channel of Gyumri was unleashed.

The extremely partial coverage of political processes by most of the TV companies ahead of, during presidential elections and the post-election period became a direct consequence of the increased pressure of the authorities on broadcast media.

The introduction of state of emergency on March 1-20, 2008 in Yerevan was accompanied by preemptive censorship that resulted in a suspension of a number of leading newspapers, blockage of web-sites,

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known for their critical attitude towards authorities. The one-sided reporting, insulting for the opposition, that a number of TV companies aired was spreading intolerance and hostility towards significant segments of political field and the society. This violated the commonly accepted professional and legal norms as well as the respective provisions of the RA President's Decree on introducing state of emergency.

The global survey on freedom of press of "Freedom House" international organization for 2007, released in late April this year, once again classed Armenian media as not free. The two-point decline of media freedom level in the country was explained by "Freedom House" to be due primarily to "increased government pressure on the media ahead of parliamentary and presidential elections".

The Resolution 1609, adopted on April 17, 2008 by the Parliamentary Assembly of the Council of Europe, said: "Even though there is a pluralistic and independent print media, the current level of control by the authorities of the electronic media and their regulatory bodies, as well as the absence of a truly independent and pluralist Public Broadcaster, impede the creation of a pluralistic media environment and further exacerbate the lack of public trust in the political system."

After the adoption of PACE Resolution 1609, the critical remarks of a number of other international and local organizations about presidential elections and the post-election situation in Armenia, quite a lot of time has elapsed, yet there is an impression that the authorities of the country did not make appropriate practical conclusions. To rectify the situation Yerevan Press Club proposes the following priority measures that must be implemented during the upcoming one or two months:

11. During the parliamentary elections of 2007, the presidential elections of 2008 and also in the post-electoral period the National Commission on Television and Radio (NCTR), having a status of independent regulator and commissioned to "control the activities of

TV and radio companies" (RA Law "On Television and Radio", Article 37, Part 1) failed to comply with one of its main functions and failed to prevent violations of the RA legislation by most of the broadcasters. This problem was reflected in the ruling of the RA Constitutional Court of March 8, 2008 and in an extraordinary public report of the RA Human Rights Defender, published on April 25, 2008. In particular, the Constitutional Court stated that in the course of presidential elections of 2008 "the National Commission on Television and Radio displayed formalistic approach to the compliance with the legal requirements. As a result, the media coverage displayed not only partiality, but also, in some cases, violations of legal and ethical norms". The preliminary conclusion of the International Election Observation Mission at the presidential election of Armenia, dated February 20, 2008, notes: "The National Commission on Television and Radio did not adequately fulfill its mandate to monitor compliance of the media with legal provisions." The PACE Resolution 1609 of April 17, 2008 stresses directly: "The independence from any political interest of both the National Television and Radio Commission and the Public Television and Radio Council must be guaranteed. In addition, the composition of these bodies should be revised in order to ensure that they are truly representative of Armenian society. The recommendations made by the Venice Commission and Council of Europe experts in this respect must finally be taken into account." In 2006 the report on the state of media freedom in Armenia by the OSCE Representative on Freedom of the Media recommended that the composition of these bodies "should represent the political and social diversity of the country, and should include NGOs and professional associations".

Proceeding from what has been said, we insist on the need to implement within shortest time possible the legislative amendments to ensure the participation of various political forces, civil society in the formation of NCTR, and we urge the incumbent members of the National Commission to voluntarily resign. Through the formation of the new composition of NCTR - in a procedure, stipulated by profound legislative amendments - there will be an opportunity to fulfill the requirements of Article 83.2 of the RA Constitution, as well as the recommendations of the PACE Resolution 1609 of April 17, 2008.

12. During the past year the incomppliance [sic] of the activities of the Public TV and Radio Company of Armenia with its status and mission became even more obvious. Ahead and during presidential elections of 2008 the news and current affairs programs of the public broadcaster provided one-sided information and did not comply with the requirements of the RA Law "On Television and Radio" about ensuring political plurality. Moreover, by its activities, the Public Television did not only fail to contribute to national accord, but also, on the contrary, incited mutual hatred. In the same way it continued to work during the post-election period. The abovementioned report of the RA Human Rights Defender notes: "A most

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vivid example of such unacceptable coverage (during the state of emergency - YPC) was demonstrated by the First Channel of the Public Television of Armenia, which not only neglected this provision of the Decree, but also once again made a grave infringement of the requirement of Article 28 of the RA Law "On Television and Radio": 'The prevalence of a political stance in the programs broadcast (...) on public television (...) is prohibited'."

The whole responsibility for violating the legislation, the standards of public broadcasting, the professional norms lies on the Council of Public TV and Radio Company. We believe that in the Council, as a result of appropriate legislative changes, an equal representation of professionals is to be made - upon the nomination from both political forces at power and the opposition. This would serve to fulfill the recommendation of PACE Resolution 1609 of April 17, 2008: "(...) Apart from reforming the legislation, the authorities must take steps to ensure freedom and pluralism of the public television and radio on a day-to-day basis." The first step towards the reformation of the public broadcasting of Armenia, in our opinion, can be also the voluntary resignation of the Council of the Public TV and Radio Company - in full composition.

13. A particularly dangerous precedent for the free expression was

the application of preemptive censorship in Armenia during the period of March 1-20, 2008, while it is prohibited by the RA legislation and was not introduced by the President's Decree on state of emergency or by any other official document.

We demand that an independent investigation of the occurrences of March 1, 2008 and subsequent developments, that must be made according to PACE Resolution 1609, include also the consideration of who, upon whose instructions and on what legal grounds exercised preemptive censorship, and those responsible for it be punished by the RA legislation.

14. We demand to stop the persecution of media for dissidence on any pretext. The political struggle cannot be turned into a campaign against democratic values; this increases the existing tension and endangers the future of the country.

May 19, 2008

END TEXT OF YEREVAN PRESS CLUB STATEMENT

PENNINGTON